

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BENTLEY A. HOLLANDER,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	NO. 10-00836
	:	
ORTHO-McNEIL-JANSSEN	:	
PHARMACEUTICALS, INC.	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 10th day of *January*, 2012, upon consideration of Plaintiff Bentley A. Hollander's Motion to Dismiss Without Prejudice (Docket Nos. 45 & 46), Defendant Ortho-McNeil-Janssen Pharmaceuticals, Inc.'s Motion for Judgment on the Pleadings (Docket No. 47), Defendant's Notice of Supplemental Authority (Docket No. 48), Plaintiff's Response in Opposition to Defendant's Motion and Reply in Support of his Motion to Dismiss (Docket Nos. 49 & 50), Plaintiff's Notice of Supplemental Constitutional Challenge (Docket No. 51), and Defendant's Notice of Supplemental Authority (Docket No. 52), it is hereby **ORDERED** as follows:

1. Plaintiff's Motion to Dismiss Without Prejudice (Docket Nos. 45 & 46) is **DENIED**.
2. Defendant's Motion for Judgment on the Pleadings (Docket No. 47) is **GRANTED**.
3. This case is **DISMISSED WITH PREJUDICE**. This Order is without prejudice to any potential constitutional challenge to the America Invents Act brought by Plaintiff against the United States in the United States Court of Federal Claims.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.